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STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 16123  
and 16601 (Application 22318  
and 23710),

CITY OF SANTA CRUZ,

Permittee;

Decision 1459

SAVE SAN LORENZO RIVER  
ASSOCIATION,

Complainant.

DECISION ENFORCING PERMIT TERMS

BY BOARD MEMBER ADAMS:

Complainant Save San Lorenzo River Association having filed a complaint of violation of terms or conditions of Permits 16123 and 16601 of permittee City of Santa Cruz; an investigation having been conducted by the Division of Water Rights; a public hearing having been held before the State Water Resources Control Board on April 22, 1976; complainant and permittee having appeared and presented evidence; the evidence received at the hearing having been duly considered; the Board finds as follows:

Permit Terms or Conditions at Issue

1. Permittee City of Santa Cruz holds Permits 16123 and 16601, which authorize diversion from San Lorenzo River, at Felton, to offstream storage in Loch Lomond Reservoir.

2. During the portion of the diversion season relevant herein said permits together authorize diversion of up to 20 cubic feet per second (cfs) of flows in excess of 20 cfs.

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3. Term 14 of Permit 16123 and Term 16 of Permit 16601 require that 20 cfs of flow be bypassed during the relevant portion of the diversion season for maintenance of fish life.

4. Permit 16601 also provides that no water shall be diverted until permittee has installed in the stream immediately below its point of diversion a staff gage, or other device satisfactory to the State Water Resources Control Board, showing the water levels which correspond to the above-mentioned flows in cfs.

#### The Diversion Works

5. Permittee's diversion works are relatively new and consist of a collapsible dam attached to a permanent concrete foundation emplaced in the stream channel. During operation the dam is inflated with water, thereby creating an upstream pool from which water is pumped to storage. The structure includes a control channel and fish ladder.

6. Permittee assumed operational responsibility for the works on February 11, 1976, and formally accepted the project on March 9, 1976.

#### The Complaint and Investigation

7. By letter of March 11, 1976, complainant Save San Lorenzo River Association complained that permittee was diverting water from San Lorenzo River in violation of the terms of its permit.

8. Pursuant to Section 764.5, Title 23, California Administrative Code, the Division of Water Rights investigated the complaint on March 16, 1976, reported that the permit terms specified in paragraph 3 above were violated on that date, and referred the matter for hearing.

Findings As To Permit Term Violations

9. Evidence establishes that permittee diverted water to storage from its diversion works on San Lorenzo River at Felton on February 12, 13, 14, and 15, 1976, and on March 16, 1976, during times when the diversion works were not bypassing 20 cfs.

10. The flow measuring device installed by permittee in connection with its diversion works has not been approved by the Board, as required by Permit 16601, nor had permittee at the time of the violation notified the Board of its installation and requested approval thereof.

Evidence in Mitigation

11. Permittee presented evidence to show that operation of the Felton diversion works during the period under consideration was in the nature of debugging new works, including testing of the flow measuring and low flow warning device, and occurred during one of the worst drought years in the history of Santa Cruz County. This is found to be true.

## DETERMINATION OF ISSUES

Cause exists for revocation of Permits 16123 and 16601 or for other action appropriate under all of the circumstances.

### ORDER

IT IS HEREBY ORDERED that:

#### I.

The bypass weir and measuring system installed by permittee at the time of the hearing herein is expressly disapproved as meeting the requirements of Permit 16601 for installation of a flow measuring device satisfactory to the State Water Resources Control Board.

#### II.

Permittee shall cease diversion of water to offstream storage under either Permit 16123 or 16601 until such time as (1) permittee has installed in the stream immediately below its point of diversion under said permits a staff gage or other device and received written approval of such installation from the Chief of the Division of Water Rights, and (2) permittee has developed a rating table for such device showing the water levels which correspond to the bypass flows required by said permits and received written approval of such table from the Chief of the Division of Water Rights.

#### III.

Following compliance with paragraph II next above, and until further order of the Chief of the Division of Water Rights, permittee shall report monthly to the State Water Resources Control

Board, on a form and pursuant to a schedule satisfactory to the Chief of the Division of Water Rights, the times and rates of diversion of water to offstream storage under Permits 16123 and 16601, or either of them, together with the bypass flows while such diversions are occurring.

Dated: September 16, 1976

WE CONCUR:

W. W. ADAMS  
W. W. Adams, Member

JOHN E. BRYSON  
John E. Bryson, Chairman

W. DON MAUGHAN  
W. Don Maughan, Vice Chairman

ROY E. DODSON  
Roy E. Dodson, Member

JEAN AUER  
Jean Auer, Member